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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/432,904	11/02/1999	CESAR Z. LINA	1001.1012	1761

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EXAMINER	
DEMILLE, DANTON D	
ART UNIT	PAPER NUMBER
3764	

DATE MAILED: 06/10/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/432,904	LINA, CESAR Z.	
	Examiner	Art Unit	
	Danton DeMille	3764	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 February 2003* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. **Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gardner et al. '180 in view of Dye '044.** Figures 4-6 of Gardner teach interior and exterior fabric sheets joined together to form a foot wrap that encompasses an inflatable bladder being disposed to apply pressure to the sole of the human foot. The material from which the wrap is made is well within the realm of the artisan of ordinary skill. There are many different types of conventional permeable and impermeable materials that can be used. Gardner doesn't require any specific type of material for the wrap. Dye teaches column 3 lines 30-46 that the wrap is composed of inner and outer flexible fluid-impervious sheets and "the outermost sheet is stiffer and inelastic relative to the innermost film so that the latter conforms well to the shape of the leg while the former remains relatively flat upon inflation." Therefore, it would have been obvious to one of ordinary skill in the art to modify Gardner to use a specific type of material such as taught by Dye including a stiffer inelastic outermost film relative to the innermost layer so that the innermost layer conforms well to the shape of the leg while the former remains relatively flat upon inflation. Regarding claims 7-10, Gardner teaches column 2 line 61- column 3 line 9 the innermost sheet is permeable. Regarding claim 8, figures 7 and 8 show a second tab extending from the main portion for wrapping around the heel.

2. **Claims 11-20 rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 1 above, and further in view of Arkans '217.** Gardner already teaches the convention of using hook and loop type of fastening means to secure the foot wrap about the foot of the user. The loop material may be in the form of patches on the base wrap

material however, the convention of just using loop as an outer surface of the wrap material is well known to the artisan of ordinary skill as exemplified by Arkans. It would have been obvious to one of ordinary skill in the art to further modify Gardner to provide the outer surface of the wrap with either hook or loop material as taught by Arkans so that the complementary fastener strap can be secured at any point on the outer surface of the wrap and to reduce the amount of materials used and save a manufacturing steps of adding a piece of material for the complementary fastener.

Response to Arguments

3. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

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Art Unit 3764

dimensions sufficient for said foot wrap to wrap completely around the arch of a human foot with the distal end of the first tab overlapping a distal end of said third tab; and

said releasable tab comprises a second releasable hook-type connector permanently attached to an inner surface of a distal end thereof, said second tab having a length dimension sufficient for said foot wrap to wrap completely around the heel of a human foot with the distal end of said second tab overlapping said first tab when said first and third tabs are wrapped about the arch of a human foot.

12. The medical device as claimed in claim 10, wherein:

said exterior sheet consists essentially of a hook-type connector compatible base material;

said third tab comprises a first releasable hook-type connector permanently attached to an inner surface of a distal end thereof, said first and third tabs having dimensions sufficient for said foot wrap to wrap completely around the arch of a human foot with the distal end of said third tab overlapping a distal end of said first tab; and

said second tab comprises a second releasable hook-type connector permanently attached to an inner surface of a distal end thereof, said second tab having a length sufficient for said foot wrap to wrap completely around the heel of a human foot with the distal end of said second tab overlapping said first tab when said first and third tabs are wrapped about the arch of a human foot.

13. A medical device adapted for use with cyclical application of fluid pressure to a human foot said medical device comprising:

a foot wrap for engaging a human foot, said foot wrap having an integral inflatable bladder and an outer surface consisting essentially of a hook-type compatible base material;

a first tab appended to said foot wrap for releasably securing said foot wrap to a human foot by wrapping around the arch; and

an elongate second tab appended to said foot wrap for releasably securing said foot wrap to a human foot by wrapping around the heel.

14. The medical device as recited in claim 13, wherein said second tab is generally perpendicular to said first tab when said foot wrap is laid flat.

15. The medical device as recited in claim 14, said medical device further comprising a third tab appended to said foot wrap, said third tab being generally opposed to said first tab.

16. The medical device as recited in claim 15, wherein:

said first tab comprises a first releasable hook-type connector permanently attached to an inner surface of a distal end thereof, said first and third tabs having dimensions sufficient for said foot wrap to wrap completely around the arch of a human foot with the distal end thereof of said first tab overlapping a distal end of said third tab; and

said second tab comprises a second releasable hook-type connector permanently attached to an inner surface of a distal end thereof, said second tab having a length sufficient for said foot wrap to wrap completely around the heel of a human foot with the distal end of said second tab overlapping said first tab when said first and third tabs are wrapped about the arch of a human foot.

17. A medical device for use with cyclical application of fluid pressure to apply said pressure to a human foot, said medical device comprising:

an interior elastic fabric sheet for engaging a human foot;

an exterior fabric sheet consisting essentially of a hook-type connector compatible base material, said exterior fabric sheet being less extensible than said interior fabric sheet, said exterior sheet being joined with said interior sheet in a manner forming a one-piece foot wrap having:

an integral inflatable bladder formed between the inner surfaces of said interior and exterior sheets;

a first tab for releasably securing said foot wrap to a human foot by wrapping around the arch;

an elongate second tab for releasably securing said foot wrap to a human foot by wrapping around the heel, said second tab being generally perpendicular to said first tab when said foot wrap is laid flat;

a third tab generally opposed to said first tab; and

a main portion positioned generally between said first, second and third tabs;

a first releasable hook-type connector permanently attached to an inner surface of a distal end of said first tab, said first and third tabs having dimensions sufficient for said foot wrap to wrap completely around the arch of a human foot with the distal end of the first tab overlapping a distal end of said third tab; and

a second releasable hook-type connector permanently attached to an inner surface of a distal end of said second tab, said second tab having a length dimension sufficient for

said foot wrap to wrap completely around the heel of a human foot with the distal end of the second tab overlapping the main portion.

18. The medical device as recited in claim 17, wherein the inner surface of said exterior sheet comprises a heat-weldable laminate and the inner surface of said interior sheet comprises a heat-weldable laminate, said exterior sheet being heat welded to said interior sheet to form said one-piece foot wrap.

19. The medical device as recited in claim 18, said medical device further comprising a tubular fluid connector opening into said integral inflatable bladder and suitable for connecting said integral inflatable bladder in fluid communication with a source of pressurized fluid for inflating said integral inflatable bladder.

20. A medical device for use with cyclical application of fluid pressure to apply the pressure to a human foot, the medical device comprising:

an interior elastic air impermeable fabric sheet for engaging a human foot, an inner surface of the interior sheet comprising a heat-weldable laminate, an outer surface of the interior sheet comprising a springy, open pile inner surface;

an exterior fabric sheet consisting essentially of a base material that is compatible to releasably engage hook-type connector material, an inner surface of the exterior sheet comprising a heat-weldable laminate, the exterior sheet being less extensible than the interior sheet, the exterior sheet being heat welded to the interior sheet in a manner forming a one-piece foot wrap having:

an integral inflatable bladder formed between the inner surfaces of the interior and exterior sheets;

a main portion to engage the sole of a human foot;

a first extension from the main portion for releasably securing the foot wrap to a human foot by wrapping around the arch;

an elongate second extension from the main portion for releasably securing the foot wrap to a human foot by wrapping around the heel, the second extension being generally perpendicular to the first extension when the foot wrap is laid flat;

a third extension from the main portion generally opposed to the first extension, the first extension being larger and longer than the third extension; and

a first releasable hook-type connector permanently attached to an inner surface of a distal end of the third extension, the first and third extensions having dimensions

sufficient for the foot wrap to wrap completely around the arch of a human foot with the distal end of the third extension overlapping a distal end of the first extension;

a second releasable hook-type connector permanently attached to an inner surface of a distal end of the second extension, the second extension having a length dimension sufficient for the foot wrap to wrap completely around the heel of a human foot with the distal end of the second extension overlapping the first extension; and

a tubular fluid connector opening into the integral inflatable bladder and suitable for connecting the integral inflatable bladder in fluid communication with a source of pressurized fluid for inflating the integral inflatable bladder.